IN THE HIGH COURT OF JUDICATURE AT PATNA
CR. WJC No.869 of 2006
MAHAMADEEN MIAN
Versus
THE STATE OF BIHAR & ORS
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6 17.11.2008. Heard learned counsel for the parties.

The petitioner has come to this court for a direction to the respondents to take steps for recovery of his nephew who has been kidnapped by the accused persons on 20.3.2005 for which Andar ps case no. 55 of 2005 has already been instituted for offences under sections 464,34 I.P.C. and the Arms Act against 16 accused persons.

It is submitted on behalf of the petitioner that mother of the victim represented before the S.P.Siwan but till date her son has not been recovered. It is further submitted that subsequently police with ulterior motive has filed a case implicating his kidnapped nephew also and petitioner has also filed a protest cum complaint petition also in the court of the Chief Judicial Magistrate, Siwan.

Learned counsel for the State has filed suppl. counter affidavit stating therein that investigation reveals that the case filed for kidnapping of the boy is in fact false case and the victim Mainudeen Mian is an absconding accused of Ander ps case no. 29 of 2005 and efforts have been made to arrest/recover him.

In view of the above, the writ petition is disposed of with observation that it will be open to the petitioner to pursue the protest cum complaint petition.

Shashi. **(S.P.Singh,J).**

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